

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

'04 SEP 23 P4:42

UNITED STATES OF AMERICA,

Plaintiff,

SOFRON B. NEDILSKY  
CLERK

v.

WILLIAM N. MARTIN JR.,  
ADAM J. BROWN,  
KURT D. SANDVIG, and  
JOEL W. KLINE

Defendants.

Case No. 04-Cr-040

[T. 18 U.S.C. §§ 2241(c), 2251(a),  
2252(a)(2), 2252(a)(4)(B) 2423(6),  
2426(a) and 2]  
[Green Bay]

FOURTH SUPERSEDING INDICTMENT

Offense Allegations

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about October 25, 2002, in the State and Eastern District of Wisconsin,

ADAM J. BROWN,  
WILLIAM N. MARTIN, JR., and  
JOEL W. KLINE,

the defendants herein, crossed a State line with intent to engage in a sexual act with a person who  
had not attained the age of twelve years.

All in violation of Title 18, United States Code, Sections 2241(c), and 2.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about October 25, 2002, in the State and Eastern District of Wisconsin, and elsewhere,

**ADAM J. BROWN,  
WILLIAM N. MARTIN, JR., and  
JOEL W. KLINE,**

the defendants herein, employed, used, persuaded, induced, and enticed a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. The visual depiction was produced using materials that had been mailed, shipped, or transported across state lines or in foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about September 6, 2002, in the State and Eastern District of Wisconsin,

**ADAM J. BROWN, and  
WILLIAM N. MARTIN, JR.,**

the defendants herein, crossed a State line with intent to engage in a sexual act with a person who had not attained the age of twelve years.

All in violation of Title 18, United States Code, Sections 2241(c) and 2.

**COUNT FOUR****THE GRAND JURY FURTHER CHARGES THAT**

On or about September 6, 2002, in the State and Eastern District of Wisconsin, and elsewhere,

**ADAM J. BROWN, and  
WILLIAM N. MARTIN, JR.,**

the defendants herein, employed, used, persuaded, induced, and enticed a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. The visual depiction was produced using materials that had been mailed, shipped, or transported across state lines or in foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2.

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 28, 2003, in the State and Eastern District of Wisconsin, and elsewhere,

**KURT D. SANDVIG,  
WILLIAM N. MARTIN, JR., and  
JOEL W. KLINE,**

the defendants herein, crossed a State line with intent to engage in a sexual act with a person who had not attained the age of 12 years.

All in violation of Title 18, United States Code, Sections 2241(c) and 2.

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

Beginning in or about February 2003 and continuing to at least March 2, 2003, in the State and Eastern District of Wisconsin, and elsewhere,

**KURT D. SANDVIG,  
WILLIAM N. MARTIN, JR., and  
JOEL W. KLINE,**

the defendants herein, conspired to travel in interstate commerce for the purpose of engaging in a sexual act, in violation of chapter 109A, with a person who had not attained the age of eighteen years.

All in violation of Title 18, United States Code, Sections 2423(b), and 2.

**COUNT SEVEN****THE GRAND JURY FURTHER CHARGES THAT:**

Between July 2003 and January 2004, in the State and Eastern District of Wisconsin, and elsewhere,

**WILLIAM N. MARTIN, JR.,**

the defendant herein, employed, used, persuaded, induced, and enticed minors to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. Each visual depiction identified by the file names "D1010001.jpg"; "D1010016.jpg"; "D1010023.jpg"; and "D1010026.jpg" was produced using materials that had been mailed, shipped, or transported across state lines or in foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2.

**COUNT EIGHT****THE GRAND JURY FURTHER CHARGES THAT:**

Between July 2003 and January 2004, in the State and Eastern District of Wisconsin, and elsewhere,

**WILLIAM N. MARTIN, JR.,**

the defendant herein, employed, used, persuaded, induced, and enticed a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. Each visual depiction identified by the file names "P8040008.jpg"; "P8040007.jpg"; "P8040005.jpg"; and "P8040004.jpg" was produced using materials that had been mailed, shipped, or transported across state lines or in foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2.



**COUNT NINE****THE GRAND JURY FURTHER CHARGES THAT:**

Between September 2002 and July 2003, in the State and Eastern District of Wisconsin, and elsewhere,

**WILLIAM N. MARTIN, JR.,**

the defendant herein, employed, used, persuaded, induced, and enticed a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. Each visual depiction identified by the file names "Noname32.mpg"; "Noname33.mpg"; "Noname34.mpg"; "Noname35.mpg"; "Noname36.mpg"; and "Noname37.mpg" was produced using materials that had been mailed, shipped, or transported across state lines or in foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2.

**COUNT TEN****THE GRAND JURY FURTHER CHARGES THAT:**

Between July of 2002 and January 2004, in the State and Eastern District of Wisconsin, and elsewhere,

**JOEL W. KLINE,**

the defendant herein, employed, used, persuaded, induced, and enticed a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. Each visual depiction identified by the file names "Im02olym/P1010019.JPG"; "Im02olym/P1010020.JPG"; and "Im02olym/P1010021.JPG" was produced using materials that had been mailed, shipped, or transported across state lines or in foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2.

**COUNT ELEVEN****THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 21, 2004, in the State and Eastern District of Wisconsin, and elsewhere,

**WILLIAM N. MARTIN, JR.,**

the defendant, knowingly received a visual depiction of minors engaging in sexually explicit conduct that had been shipped and transported in interstate commerce, by means of a computer, and identified by the file name "RhyssynMe.wmv." This visual depiction shows, and was produced involving the use of minors engaging in, sexually explicit conduct.

All in violation of Title 18, United States Code, Section 2252(a)(2).

**COUNT TWELVE****THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 22, 2004, in the State and Eastern District of Wisconsin, and elsewhere,

**WILLIAM N. MARTIN, JR.,**

the defendant, knowingly received a visual depiction of a minor engaging in sexually explicit conduct that had been shipped and transported in interstate commerce, by means of a computer, and identified by the file name "m12priv\_079.jpg." This visual depiction shows, and was produced involving the use of a minor engaging in, sexually explicit conduct.

All in violation of Title 18, United States Code, Section 2252(a)(2).

**COUNT THIRTEEN****THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 23, 2004, in the State and Eastern District of Wisconsin, and elsewhere,

**WILLIAM N. MARTIN, JR.,**

defendant herein, knowingly possessed one or more books, magazines, periodicals, films, video tapes, and other matter which contained any visual depiction that had been mailed, and had been shipped and transported in interstate and foreign commerce, and which was produced using materials which had been mailed and so shipped and transported, by any means including by computer, the producing of such visual depiction having involved the use of a minor engaging in sexually explicit conduct and such visual depiction was of such conduct; that is: WILLIAM N. MARTIN, JR., knowingly possessed a computer which contained numerous images of minors engaging in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2) identified by the file names "excited.jpg"; "P5250041.jpg"; "P5250044.jpg"; "snag\_0003.avi"; "P5250029.jpg"; "Noname204.mpg"; "Noname206.mpg"; "Noname208.mpg"; "Noname209.mpg"; "Noname13.mpg"; "bound and raped.mpeg"; "BBondage307.jpg"; "BBondage313.jpg"; "Noname16.mpg"; "P1010034.jpg"; "P0000701.jpg"; "P1010016"; "P1010029"; "Noname 04.mpg"; "Noname 05.mpg"; "Bbondage08.mpg"; "Bbondage08a.mpg"; "Noname205.mpg"; "Noname207.mpg"; "P0001011.jpg"; and "P0001012.jpg". The computer hard drive that produced these visual depictions had been mailed or shipped in interstate commerce.

All in violation of Title 18, United States Code, Section 2252(a)(4)(B).

**Sentencing Allegations**

1. With respect to Counts One through Nine of the indictment:
  - a. The offenses involved a victim who had not attained the age of twelve years. See U.S.S.G. §§ 2A3.1(b)(2) and 2G2.1(b)(1).
  - b. The offenses involved a victim who was in the custody, care, or supervisory control of the defendant. See U.S.S.G. §§ 2A3.1(b)(3) and 2G2.1(b)(2).
  - c. The offenses involved a vulnerable victim. See U.S.S.G. § 3A1.1(b).
  - d. The offenses are qualifying sex crimes and the respective defendants engaged in a pattern of activity involving prohibited sexual conduct. See U.S.S.G. § 4B1.5(b).
  - e. The defendants' conduct was unusually heinous, cruel, brutal, or degrading to the victim. See U.S.S.G. § 5K2.8.
2. With respect to Count One of this indictment:
  - a. The offense involved the use of a computer or an Internet access device. See U.S.S.G. § 2A3.1(b)(6).
3. With respect to Counts One, Two, Three, Five, and Six of this indictment:
  - a. William N. Martin Jr. was an organizer, leader, manager, and supervisor in criminal activity. See U.S.S.G. § 3B1.1(c).
4. With respect to Count Five of this indictment:
  - a. Kurt D. Sandvig has previously been convicted of a sexual abuse crime. See 18 U.S.C. § 2241(c).
5. With respect to Count Six of this indictment:
  - a. Kurt D. Sandvig has previously been convicted of a sexual abuse crime. See 18 U.S.C. §§ 2423 and 2426.

6. With respect to Counts Two, Four, Seven, and Eight of this indictment:

a. The offenses involved the exploitation of more than one minor. See U.S.S.G. § 2G2.1(c).

7. With respect to Counts Eleven and Twelve of the indictment:

a. The material involved a minor who had not attained the age of twelve years. See U.S.S.G. § 2G2.2(b)(1).

b. The offenses involved distribution for pecuniary gain. See U.S.S.G. § 2G2.2(b)(2)(A).

c. The offenses involved material that portrays sadistic conduct or other depictions of violence. See U.S.S.G. § 2G2.2(b)(3).

d. The defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor. See U.S.S.G. § 2G2.2(b)(4).

e. The offenses involved the use of a computer for the transmission, receipt, or distribution of the material. See U.S.S.G. § 2G2.2(b)(5).

f. The offenses involved in excess of 600 images. See U.S.S.G. § 2G2.2(b)(6).

8. With respect to Counts One through Ten of the indictment:

a. The offenses are not grouped and a defendant's conviction of more than one count will increase his overall offense level. See U.S.S.G. §§ 3D1.1 through 3D1.4.

9. With respect to Count Thirteen of the indictment:

a. The material involved a minor who had not attained the age of twelve years. See U.S.S.G. § 2G2.4(b)(1).

- b. The offense involved ten or more films or other items containing a visual depiction involving the sexual exploitation of a minor. See U.S.S.G. § 2G2.4(b)(2).
- c. The offenses involved material that portrays sadistic conduct or other depictions of violence. See U.S.S.G. § 2G2.4(b)(4).
- d. The offenses involved the use of a computer. See U.S.S.G. § 2G2.4(b)(3).
- e. The offenses involved in excess of 600 images. See U.S.S.G. §2G2.4(b)(5)(D).
- f. The offense involved causing, transporting, permitting, or offering a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. See. U.S.S.G. § 2G2.4(c)(1).



**FORFEITURE NOTICE**

Upon conviction of either Count Two, Four, Seven, Eight, Nine, Eleven or Twelve of the Indictment, the defendants,

**WILLIAM MARTIN JR., and ADAM J. BROWN**

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, all visual depictions described in Section 2251, 2251A, or 2252 of Title 18, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2252, and shall forfeit any property, real or personal, used or intended to be used to commit or promote the commission of such offense, including, but not limited to, the following:

1. One Seagate Baracuda ST380011A hard drive, Serial number 5JV09DEH;
2. One Western Digital WD300BB-32CCB) hard drive, Serial number WMA9U1494390;
3. One Maxtor Diamond Max+9 hard drive, Serial number Y251NSE;
4. One Western Digital WD800JB-00CRA1 hard drive, Serial number WMA8E7975534;
5. One System Pro Generic Mid-Tower CPU, no Serial number;
6. One Nikon CoolPix Digiital Camer, model E990, Serial number 300090000;
7. One Olympus Digital Camera, model D-400 Zoom, Serial number 48502039;
8. One JVC Digital Dualcam MiniDV CamCorder, Serial number 10530707;
9. Approximately seven DVD's disks; and
10. Any equipment, instrumentalities, and items used or intended to be used in the production, receiving, distribution, or possession of child pornography.

A TRUE BILL:

[REDACTED]

FOREPERSON

Dated:

9/23/04

*Steven M. Biskupic*  
STEVEN M. BISKUPIC  
United States Attorney